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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH

BRANDON ROBINSON, an individual

Plaintiff,

-V-

ROCKY MOUNTAIN FLYBOARD, LLC.; and  
ZAPATA RACING

Defendants.

Verified  
**COMPLAINT**  
Civil Action No. 2:16-cv-00842-BCW  
  
(Patent Infringement)  
  
(Jury Trial Demanded)

For its complaint against Defendants Rocky Mountain Flyboard, LLC, (hereinafter also referred to as "Rocky Mountain") and Zapata Racing (hereinafter referred to as "Zapata")

(collectively hereinafter referred to as "Defendants"), Plaintiff Brandon Robinson alleges as follows:

1. Plaintiff, Brandon Robinson is an individual having a residence address at 26404 Lake Unity Road, Fruitland Park, FL 34731 (Robinson).

2. Defendant Rocky Mountain Flyboard, LLC is a Utah limited liability company having a business address at 1442 S. 700 W, Salt Lake City, UT 84104 (Rocky Mountain).

3. Defendant Zapata Racing, is a company having a business address at 39 Avenue de Saint- Roch, 13740 Le Rove, France (Zapata).

4. This is an action arising under the Patent Laws of the United States, Title 35 of the United States Code. Original jurisdiction is predicated under 28 U.S.C. §§ 1332 and 1338. Venue in Utah is proper under 28 U.S.C. §§ 1391 and 1400.

#### GENERAL ALLEGATIONS

5. Plaintiff is the owner of U.S. Patent No. 9,145,206 titled WATER PROPELLED FLYING BOARD (the " '206 Patent"). The '206 Patent was issued on September 29, 2015 from an application filed October 30, 2013 with a provisional application No. 61/720,791 filed 10/31/2012 as a priority date. A copy of the '206 Patent is attached hereto as Exhibit A.

6. Defendant Zapata is infringing the '206 Patent under at least 35 U.S.C. §§ 271(a) and (g) by importing, using, offering to sell, and/or selling in the United States products that practice one or more claims of the '206 Patent, manufacturing products according to processes which embody one or more claims of the '206 Patent and importing, selling, and/or offering to such products, including the Flyboard® Pro Series. Copies of the web pages advertising the Flyboard® Pro Series from Defendant Zapata's website (<http://zapata-racing.com/flyboard-pro-series-en/>) are attached hereto as Exhibit B.

7. Defendant Rocky Mountain Flyboard is infringing the '206 Patent under at least 35 U.S.C. §§ 271(a) by using, offering to sell, and/or selling in the United States products that practice one or more claims of the '206 Patent, markets and sells their Flyboard® Pro Series manufactured by Defendant Zapata directly to consumers through a website at [www.utahflyboard.com](http://www.utahflyboard.com), attached hereto as Exhibit C.



- 1 B. For a judgment awarding Plaintiff compensatory damages as a result of Defendants'  
2 infringement of the '206 Patent, together with interest and costs, and in no event less than  
3 a reasonable royalty;
- 4 C. For a judgment declaring that Defendants' infringement of the '206 Patent has been willful  
5 and deliberate; since the date of service of this lawsuit,
- 6 D. For a judgment awarding Plaintiff treble damages and pre-judgment interest under 35  
7 U.S.C. § 284 as a result of Defendants' willful and deliberate infringement of the '206  
8 Patent;
- 9 E. For a judgment declaring that this case is exceptional and awarding Plaintiff its expenses,  
10 costs, and attorneys' fees in accordance with 35 U.S.C. §§ 284 and 285 and Rule 54(d) of  
11 the Federal Rules of Civil Procedure;
- 12 F. For such other and further relief as the Court deems just and proper.
- 13  
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15 DATED this 29th day of July , 2016.

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18 By: /s/ Scott D. Swanson

19 Scott D. Swanson

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